

# भारत का राजपत्र

## The Gazette of India



असाधारण

EXTRAORDINARY

PART II—Section 2

भाग II—खण्ड 2

प्रारंभिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या वी जाती है जिससे विक यह अलग संकलन के रूप में रखा जा सके।  
Separate paging is given to this Part in order that it may be filed  
as a separate compilation

### LOK SABHA

The following Bills were introduced in Lok Sabha on the 28th March, 1980:—

BILL No. 68 OF 1980

*A Bill to amend the Indian Medicine Central Council Act, 1970.*

BE it enacted by Parliament in the Thirty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Indian Medicine Central Council (Amendment) Act, 1980.

Short title  
and com-  
mence-  
ment.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint—

48 of 1970.

2. In section 17 of the Indian Medicine Central Council Act, 1970 (hereinafter referred to as the principal Act), after sub-section (3), the following sub-section shall be inserted, namely:—

Amend-  
ment of  
section  
17.

“(3A) Nothing contained in any law for the time being in force shall affect adversely the rights of practitioners qualified in ‘Integrated System of Medicine’ in any part of India before or after the commencement of this Act.”.

3. In the Second Schedule to the principal Act, after Part II, the following Part shall be added, namely:—

Amend-  
ment of  
Second  
Schedule.

#### “PART III—INTEGRATED SYSTEM OF MEDICINE

Any medical qualification in Integrated System of Medicine granted by any University, Board or other recognised medical institution in India before or after the commencement of this Act.”.

## STATEMENT OF OBJECTS AND REASONS

There are about fifty thousand practitioners in Integrated System of Medicine in India who have undergone regular institutional course of training for four to six years of statutory Universities or Boards or Faculties after school leaving or Intermediate Science Examinations. The course consists of training in Ayurvedic as well as modern systems of medicine.

At present these practitioners are grouped in the Second Schedule to the Indian Medicine Central Council Act, 1970 along with the practitioners with pure Ayurvedic qualifications and others who had no training or had sub-standard training. An assurance was given on the floor of Lok Sabha by Government on December 10, 1970 that these practitioners will be put in separate parts of the Second Schedule under the rule making power. Since it has not been done, it has become necessary to amend the Act.

Hence this Bill.

MADHU DANDAVATE

NEW DELHI;  
*February 25, 1980.*

## BILL No. 69 of 1980

*A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Thirty-first Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1980. Short title.
2. In article 75 of the Constitution, after clause (1), the following new clause shall be inserted, namely:—

“(1A) The Prime Minister shall command the support of the majority of the members of the House of the People which in case of doubt shall be determined on the floor of the House.”.

Amend. ment of article 75.
3. In article 164 of the Constitution, after clause (1), the following new clause shall be inserted, namely:—

“(1A) The Chief Minister shall command the support of the majority of the members of the Legislative Assembly which in case of doubt shall be determined on the floor of the Assembly.”.

Amend- ment of article 164.

## STATEMENT OF OBJECTS AND REASONS

If the assessment of the question as to which Party in a Legislature commands majority support is left to the discretion of the President or Governor, there may be room for doubt regarding the use of this discretion. It is, therefore, advisable to leave this assessment to the Legislature, so that the matter is decided on the floor of the House concerned.

The Bill seeks to achieve this objective.

MADHU DANDAVATE

NEW DELHI;

*February 25, 1980.*

## BILL No. 67 of 1980

*A Bill further to amend the Constitution of India.*

Be it enacted by Parliament in the Thirty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 1980.

Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In article 19 of the Constitution, in clause (1), after sub-clause (g), the following new sub-clause shall be inserted, namely:—

Amendment of article 19.

“(h) to vote, in case that person has attained the age of eighteen years, but subject to restrictions contained in article 326.”

3. In article 326 of the Constitution, for the word “twenty-one”, the word “eighteen” shall be substituted.

Amendment of article 326.

**STATEMENT OF OBJECTS AND REASONS**

Under the existing article 326 of the Constitution, a citizen on attaining the age of twenty-one years is entitled to exercise his franchise, whereas, in a court of law and for the purposes of revenue and financial matters, a citizen who has attained the age of eighteen years is deemed to be a major. In view of the principle of equality before law and also in view of the fact that eighteen years of age has been recognised as the age when one is deemed to be an adult, it is not proper to deprive such adults of their right to vote. The Bill, therefore, seeks to entitle all such persons who have attained the age of eighteen years to the right to vote.

NEW DELHI;  
*February 25, 1980.*

**MADHU DANDAVATE.**

**FINANCIAL MEMORANDUM**

The new provision in regard to the right to vote contained in clauses 2 and 3 of the Bill will result in some increase in expenditure from the Consolidated Fund of India on account of printing of electoral rolls which is estimated to be about Rs. 5 lakhs annually. No non-recurring expenditure is involved.

## BILL No. 37 OF 1980

*A Bill further to amend the Constitution of India.*

Be it enacted by Parliament in the Thirty-first Year of the Republic of India as follows:—

**Short title.** 1. This Act may be called the Constitution (Amendment) Act, 1980.

**Amend-  
ment of  
Eighth  
Schedule.** 2. In the Eighth Schedule to the Constitution.—

(a) entries 3 to 8 shall be re-numbered as entries 4 to 9 respectively, and before entry 4 as so re-numbered, the entry "3. Dogri." shall be inserted; and

(b) entries 9 to 15 shall be re-numbered as entries 11 to 17 respectively, and before entry 11 as so re-numbered, the entry "10. Nepali." shall be inserted.

## STATEMENT OF OBJECTS AND REASONS

Under the Eighth Schedule to the Constitution, only 15 languages of India have been included. Dogri is the main language of the Jammu region of Jammu and Kashmir State, and is also spoken by a large number of people in the neighbouring regions. It claims a vast literature besides rich folklore. The Sahitya Akademi has recognised it as an independent literary language and it is but proper that Dogri is also recognised as one of the languages incorporated in the Eighth Schedule.

Nepali is also spoken by over fourteen lakh Indian citizens according to the 1971 census, specially in the Darjeeling District of West Bengal, Sikkim and contiguous areas. It has a rich literary tradition and there is no reason why it should be deprived of its due status as one of the languages included in the Eighth Schedule.

The Bill seeks to achieve these objectives.

NEW DELHI;

*February 25, 1980.*

KARAN SINGH.

## BILL NO. 63 OF 1980

*A Bill further to amend the Constitution (Scheduled Castes) Order, 1950, the Constitution (Scheduled Castes) (Union Territories) Order, 1951, the Constitution (Dadra and Nagar Haveli) Scheduled Castes Order, 1962, the Constitution (Pondicherry) Scheduled Castes Order, 1964 and the Constitution (Goa, Daman and Diu) Scheduled Castes Order, 1968.*

BE it enacted by Parliament in the Thirty-first Year of the Republic of India as follows:—

Short title and commencement.

1. (1) This Act may be called the Constitution (Scheduled Castes) Orders (Amendment) Act, 1980.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amend-  
ment of  
Sche-  
duled  
Castes  
Orders.

2. (1) In the Constitution (Scheduled Castes) Order, 1950, paragraph 3 shall be omitted. C.O. 19.

(2) In the Constitution (Scheduled Castes) (Union Territories) Order, 1951, paragraph 3 shall be omitted. C.O. 32.

C.O. 64. (3) In the Constitution (Dadra and Nagar Haveli) Scheduled Castes Order, 1962, proviso to paragraph 2 shall be omitted.

C.O. 68. (4) In the Constitution (Pondicherry) Scheduled Castes Order, 1964, proviso to paragraph 2 shall be omitted.

C.O. 81. (5) In the Constitution (Goa, Daman and Diu) Scheduled Castes Order, 1968, proviso to paragraph 2 shall be omitted.

## STATEMENT OF OBJECTS AND REASONS

Under article 46 of the Constitution it is laid down that the State shall promote the educational and economic interests of the weaker sections of the people, and in particular, of the Scheduled Castes and Scheduled Tribes. Accordingly, special regulations have been made both by the Central and State Governments providing them scholarships and other educational facilities and reserving for them certain percentage of posts in services.

However, under paragraph 3 of the Constitution (Schedule Castes) Order of 1950 and similar provisions in the Presidential Orders issued with reference to the Union Territories, the members of the Scheduled Castes who are converts from Hinduism to other religions like Christianity, Islam and Buddhism, are deprived of the special benefits conferred on the Hindu Scheduled Caste members. Such discriminations based on religion also offend the fundamental rights of citizens which are enshrined in the Constitution.

The Bill seeks to do away with the discriminations to which Scheduled Caste members are subjected to when they embrace other religions and is thus another measure to better the lot of the weaker sections of the society.

NEW DELHI;

*February 26, 1980.*

P. J. KURIEN

## FINANCIAL MEMORANDUM

No figures are available about the number of converts from Scheduled Castes to Buddhism, Christianity and other religions but their number may not be less than 2 crores. The provision of special benefits like scholarship, hostel facilities, etc. to them may cost the exchequer about 10 crores of rupees as recurring expenditure from the Consolidated Fund of India. (Clause 2 of the Bill).

No non-recurring expenditure is likely to be incurred.

## BILL No. 72 OF 1980

*A Bill to provide for abolition of Capital Punishment in India.*

BE it enacted by Parliament in the Thirty-first Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Abolition of Capital Punishment Act, 1980.

Abolition of capital punishment.

2. Capital punishment is hereby abolished in India.

Maximum punishment for any offence.

3. Notwithstanding anything contained in the Indian Penal Code or any other law for the time being in force, maximum punishment for any offence shall not be more than imprisonment for life. 45 of 1860.

### STATEMENT OF OBJECTS AND REASONS

All life is sacred and precious. So, one must imbibe reverence for life. Vengefulness is waste of life.

Human beings are but born once, and they cannot be brushed aside and finished by any legal contrivance or a statutory dispensation. No state can arrogate to itself a legal right to do away with the life of a human being.

Crimes, thefts, murders, assaults, dacoity, etc., are undoubtedly grave offences against Human Life. But they are interwoven with the social, economic, cultural, political and behavioural life-pattern of the community. And such ugly and objectionable deeds are directly the result of an insecure and indigent human society, bereft of conditions of equilibrium and equity. The wrong-doer or the criminal is, therefore, to be treated as a mental case and be dealt with charitably and sympathetically without, of course, any misplaced leniency or unwarranted latitude. The emphasis, moreover, has to be on reformation and education rather than on rejection and retribution.

All forms of a death sentence are agonizing and cruel. They do not cure the disease nor do they solve the problem. Human and universal experience shows that physical punishments scarcely ensure obedience to the different laws and rules and regulations designed for the good of community and welfare of society.

It must also be remembered that the human machinery set up for the purpose of punishing the guilty is bound to be full of inbuilt shortcomings. Persons inflicting punishments including death sentence are liable to err and the evidence on which a sentence is awarded could be misleading. A case of miscarriage of justice in the event of death sentence having been executed can never be repaired, for life once ended cannot be brought back. Thus, to keep an offender alive as a prisoner would in any case be erring on the safe side.

Capital punishment has been abolished in several countries of the world, and the experience so far does not indicate any appreciable growth in crime of murder.

Then, why should we in India grudge in this matter, especially when capital punishment has never been encouraged by our centuries old traditions, morality ethics?

Death sentence can never be indispensable. What is important to note is that long terms of imprisonment are equally effective. And, what is more, life sentence leaves an opportunity both for reformation, almost a rebirth, of the criminal and a remedy for a possible miscarriage of justice.

Hence this Bill.

NEW DELHI,

EDUARDO FALEIRO.

February 29, 1980.

## BILL No. 70 of 1980

*A Bill to provide for the prevention of hoarding of and profiteering in essential commodities of daily use.*

Be it enacted by Parliament in the Thirty-first Year of the Republic of India as follows:—

Short title, extent, commencement and application.

1. (1) This Act may be called the Hoarding and Profiteering Prevention Act, 1980.  
(2) It extends to the whole of India.  
(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.  
(4) It shall, in the first instance, apply to the articles specified in the First Schedule.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "dealer" means any person, carrying on the business of selling any scheduled article, and includes a producer, importer, wholesaler or retailer;

(b) "hoarding" means accumulating goods or stocks meant for sale with a view to cornering them so as to raise their prices by creating a short supply or by bringing them for sale at prices which are not competitive;

(c) "importer" means any person who brings any scheduled article into the State where he carries on his business from any place outside the State for the purpose of sale in the State;

(d) "producer" means a person engaged in the production, manufacture or processing of any scheduled article;

(e) "profiteering", with its grammatical variations and cognate expressions, means the sale by a dealer of any scheduled article at a price or rate higher than that fixed under section 3;

(f) "retailer" means a person who sells any scheduled article to a consumer not being a dealer;

(g) "scheduled article" means an article specified in the First Schedule; and

(h) "wholesaler" means a dealer who sells any scheduled article to any other dealer, and includes a broker, commission agent or any other agent having authority to sell any scheduled article belonging to his principal.

3. (1) The Central Government may, by order notified in the Official Gazette, fix in respect of any scheduled article the maximum price or rate which may be charged by a dealer or the minimum price which is to be paid by a purchaser.

(2) Any order made under sub-section (1) may fix the maximum prices or rates or the minimum price to be paid by the purchaser for the same description of scheduled articles differently in different localities or for different classes of dealers.

Fixation  
of maxi-  
mum and  
minimum  
prices or  
rates for  
scheduled  
articles.

4. (1) Any dealer who profiteers in any scheduled article shall be punishable with rigorous imprisonment which may extend to five years or with fine amounting to not less than five thousand rupees or with both, and the scheduled article in respect of which the offence has been committed or such part thereof as to the court may deem fit shall be forfeited to the Government.

Penalty  
for pro-  
fiteering  
and  
hoarding.

(2) Any person found deliberately hoarding any scheduled article shall be punished with rigorous imprisonment which may extend to five years or with fine amounting to not less than five thousand rupees or with both.

5. (1) Any dealer who, without reasonable excuse,—

(a) refuses to sell any scheduled article, or

(b) refuses to sell any scheduled article at the price or rate fixed in respect thereof under section 3, shall be punishable with rigorous imprisonment which may extend to five years or with fine amounting to not less than five thousand rupees or with both.

Penalty  
for  
refusal to  
sell and  
purchase  
at price  
less than  
the  
minimum.

*Explanation*—The possibility of expectation of a higher price for a scheduled article at a later date shall not be deemed to be a reasonable excuse for the purpose of this section.

(2) Any purchaser who purchases any scheduled article at any price less than the minimum price fixed thereof under section 3, shall be punishable with rigorous imprisonment which may extend to five years or with fine amounting to not less than five thousand rupees or with both.

Dealer to submit returns, maintain accounts and furnish information, etc.

6. (1) Every dealer shall, on requisition by an officer duly authorised in this behalf by the Central Government by order notified in the Official Gazette, submit to him in the form specified in the Second Schedule by such date and relating to such period as may be mentioned in the requisition, returns of stocks of any scheduled article acquired, held or sold by him.

(2) Every dealer, unless exempted by an order in this behalf, shall—

(a) keep in the form specified in the Third Schedule a true account of any scheduled article acquired, held or sold by him after the commencement of this Act;

(b) display in his place of business in a prominent manner so as to be open to public view, a list of these scheduled articles intended for sale the prices or rates of which have been fixed under section 3 in respect of such dealer, with the prices or rates, so fixed in respect thereof;

(c) furnish to any officer referred to in sub-section (1) of this section, or any police officer referred to in sub-section (2) of section 8, any information in respect of the acquisition or sale by him of scheduled article mentioned in clause (b);

(d) make available to any officer mentioned in clause (c); for his inspection such accounts, registers, vouchers or other documents relating to the import, production, purchase or sale of any scheduled article mentioned in clause (b) of matters connected therewith as may be required by him.

Power of search and seizure

7. When any police officer not below the rank of Sub-Inspector of Police has reasonable grounds for believing that there has been a contravention of any of the provisions of this Act, such officer may, after recording in writing the grounds of his belief, at all reasonable hours enter and search any place where a dealer keeps, or is for the time being keeping, any scheduled article, accounts, registers, vouchers or other documents referred to in clause (d) of sub-section (2) of section 6, and, if necessary, inspect, seize or retain all or any of them for so long as they may be required for any investigation into any offence under this Act.

Cognizance of offence and arrest without warrant

8. (1) All offences punishable under this Act shall be cognizable.

(2) Any police officer not below the rank of a Sub-Inspector of Police may arrest without warrant any person against whom a reasonable complaint has been made or credible information has been received of his having been concerned in any of the offences punishable under this Act.

Indemnity

9. No suit, prosecution or other legal proceeding shall lie against any public servant for anything which is in good faith done or intended to be done under this Act or any order made thereunder.

**10.** The Central Government may, by order notified in the Official Gazette, add to the First Schedule any other article of daily use, and thereupon that Schedule shall be deemed to be amended accordingly and the article so added shall be deemed to be a scheduled article within the meaning of this Act.

Power to add to the First Schedule.

**11.** If any order controlling the price of any essential commodity within the meaning of the Essential Commodities Act, 1955, has been made before the commencement of this Act or is made after such commencement and such essential commodity is a scheduled article within the meaning of this Act, that order shall have effect notwithstanding anything inconsistent therewith contained in this Act or any order made thereunder.

Effect of orders inconsistent with the Essential Commodities Act, 1955, or orders thereunder.

## FIRST SCHEDULE

[See section 1, section 2(g) and section 10]

1. Rice and rice in the husk
2. Wheat and wheat products
3. Pulses
4. Spices
5. Edible oil
6. Sugar
7. Baby food
8. Paper
9. Drugs and medicines
10. Skimmed milk powder
11. Kerosene
12. Soda Ash
13. Cement
14. Steel
15. Coal, Petrol and Diesel.

## SECOND SCHEDULE

[See section 6(1)]

Form of Return of Stocks for the period from.....  
 to..... Name of dealer....., whether pro-  
 ducer, importer, wholesaler or retailer.

Address of place of business.....

Description of scheduled article	Stocks held at the beginning of the period	Stocks subsequently acquired with date and price of acquisition and names and addresses of persons from whom acquired	Stocks sold dur- ing the period together with the date of sale, the sale price and the names and addresses of persons to whom sold (except in the case of sale by retailers)	Stocks held at the end of the period (except in the case of retailers)
1	2	3	4	5

## THIRD SCHEDULE

[See section 6(2) (a)]

## Form of Accounts of Stocks

Name of dealer....., whether producer, importer, wholesaler or retailer.

Address of place of business.....

Description of Scheduled article	Stocks held when Act comes into force	Stocks subsequently acquired with date and price of acqui- sition and names and addresses of persons from whom acquired	Stocks sold to- gether with the date of sale price and the names and addresses of persons to whom sold (except in the case of sale by retailers)	Stocks held at the end of each day (except in the case of retailers,
1	2	3	4	5

### STATEMENT OF OBJECTS AND REASONS

The unscrupulous businessmen practise hoarding and profiteering as a part of their class-culture. They try to exploit the miseries of the people. There is no law of demand and supply but there is only one law, namely, maximum profit at the cost of the consumers. In fact they are the traders who trade upon the miseries of the people.

Having a mixed economy in our country and having a very weak public distribution system, we are at the mercy of these unscrupulous people. They create artificial scarcity through hoarding to achieve maximum profit.

Then there is no fixed pricing. The entire market is a picture of gambling. No body is sure to what extent he has been cheated.

All these must stop if we are pledged to socialism or Gandhism.

The Bill seeks to make provision accordingly.

NEW DELHI;

EDUARDO FALEIRO.

*February 29, 1980.*

## BILL NO. 71 OF 1980

*A Bill to provide free legal services to indigent persons in certain cases.*

BE it enacted by Parliament in the Thirty-first Year of the Republic of India as follows:—

Short title and commencement.

Free legal services when available.

1. (1) This Act may be called the Free Legal Services Act, 1980.

(2) It shall come into force at once.

2. (1) Every person,—

(i) who is an indigent person within the meaning of Order XXXIII of the Schedule of the Code of Civil Procedure, or

(ii) who, though not an indigent person as aforesaid, does not have an annual disposable income exceeding rupees five thousand, shall be eligible for legal services under this Act without payment:

Provided that in relation to any proceedings before the Supreme Court, this sub-section shall have effect as if for the words "rupees five thousand", the words "rupees ten thousand" were substituted.

(2) Every person who falls under one or more of the following categories shall, unless the contrary is shown, be deemed to be a person eligible for legal services without payment under sub-section (1), namely:—

- (a) members of the Scheduled Castes and Scheduled Tribes;
- (b) landless labour;
- (c) small farmers;
- (d) rural artisans;
- (e) any person detained in jail pending trial or undergoing sentence or otherwise;
- (f) internees in custodial homes under court orders;
- (g) women, children and parents involved in intra-family disputes which deprive them of access to their resources, thereby rendering them unable to meet the costs of legal services.

*Explanation.—* In this section—

- (a) “disposable income” of a person shall be deemed to be his income after making—
  - (i) such deductions as may be prescribed by the Central Government in respect of the maintenance of dependents, interest on loans, income-tax, sur-charge on income tax, profession tax, rates, rent and other matters for which the person in question must, or reasonably may, provide; and
  - (ii) such further allowances as may, having regard to the profession or calling of the person, be prescribed by the Central Government;
- (b) “Scheduled Castes” and “Scheduled Tribes” shall have the meanings respectively assigned to them in article 366 of the Constitution;
- (c) “small farmer” shall mean a person who does not own or possess such area of agricultural land, not exceeding five hectares, as the Central Government may by notification, specify in this behalf.

**3. (1) Notwithstanding anything contained in section 2, a person who is not an indigent person and whose annual disposable income exceeds rupees five thousand but does not exceed rupees seven thousand five hundred, shall be eligible for legal services on payment of a contribution by him to the extent of fifty per cent. of the cost of such services:**

Provided that in relation to any proceedings before the Supreme Court, this sub-section shall have effect as if for the words “rupees five thousand” and for the words “rupees seven thousand five hundred”, the words “rupees ten thousand” and the words “rupees fifteen thousand” were respectively substituted.

(2) The authority making available the legal service may require the contribution payable under sub-section (1) to be paid in one sum or by instalments.

Legal services on contribution of part of the cost.

**Scope  
of free  
legal  
services.**

**4. Free legal services**, under this Act, shall be available in relation to proceedings before a court or tribunal or other judicial, quasi-judicial or administrative authority which falls within the class or category of courts or other authority notified by Central or State Government in this behalf, and such legal services shall consist of—

(a) representation by a legal practitioner—

(i) in any proceedings before such court or tribunal or other judicial or quasi-judicial authority, where such representation is not disallowed by or under the provisions of any law;

(ii) in connection with any steps preliminary or incidental to such proceedings;

(iii) in arriving at or giving effect to a settlement in any such proceedings;

(iv) for the prevention of, or bringing to an end, any such proceedings;

(b) payment of the charges of expenditure ordinarily incurred by any person ordinarily in any proceedings before such Court, tribunal or other authority;

(c) providing legal advice in relation to any class or category of proceedings or matter notified in this behalf by the Central or State Government; and

(d) such other facilities as Government may specify by rules.

**Eligibility to  
legal  
services.**

**5.** A person shall be given legal services under this Act, if the authority empowered to render legal services by or under the provisions of this Act is satisfied that—

(a) he is a person who is or is deemed to be eligible for legal services without payment under section 2 or is eligible for legal services on contribution of part of the cost of such services under section 3;

(b) he has reasonable grounds for taking steps to assert or dispute the claim;

(c) he has agreed to conciliation by a Conciliation Cell to be established for this purpose;

(d) having regard to the circumstances of the case, it is reasonable to give legal services to such person:

Provided that the Central Government may, if satisfied that it is necessary so to do in relation to any class or category of persons or of proceedings, by notification, exempt such class or category of persons or proceedings from satisfying the requirements specified in clause (b) or clause (d).

**Power to  
make  
rules**

**6.** The Central or the State Government as the case may be shall make rules for implementing the provisions of this Act in the areas under their jurisdiction.

## STATEMENT OF OBJECTS AND REASONS

Article 39A of the Constitution directs the State to secure that the operation of the legal system promotes justice on a basis of equal opportunities and in particular directs it to provide free legal aid by suitable legislation or schemes or in any other way to ensure that opportunities to secure justice are not denied to any citizen by reason of economic or other disabilities.

In our country with the level of illiteracy of about 70 per cent and where an almost equal percentage of people live below the poverty line, equality before the Law and equal protection of laws which is assured to every citizen by article 14 of the Constitution and Part IV of the Constitution are, more often than not, so many words devoid of effective content for the short reason that large sections of our people are both unable to defend themselves effectively in a Court of Law or Tribunal or to afford to engage legal services as their cost is much beyond their economic possibilities. It is common knowledge that the agrarian legislation enacted in various States, Harijan welfare legislation and labour legislation in particular which were intended to improve the lot of the weaker sections of our society and to give them a new deal have, by and large, remained a dead letter in the Statute Book, honoured more by its breach than by its compliance since those who were supposed to benefit from them are too ignorant and timid to assert their rights in a Court of Law and there is none to advise them on the intricate legal questions involved. The result has been a growing frustration and disenchantment with our legal system among large segments of our people and this trend is obviously fraught with dangerous consequences to our body, social and politic.

Hence the present Bill.

NEW DELHI;  
February 29, 1980.

EDUARDO FALEIRO

**FINANCIAL MEMORANDUM**

Clause 4 of the Bill provides for free legal assistance under the Act and clause 3 provides for such assistance on payment of fifty per cent. of the cost. Clause 5 provides for establishing a Conciliation Cell. This is likely to involve a recurring expenditure of about rupees ten lakhs from the Consolidated Fund of India.

No non-recurring expenditure is likely to be involved.

## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill empowers the Central and State Governments to frame rules for implementing the provisions of this Act in their respective territories. As the rules to be framed will relate to matters of detail only, the delegation of power is of a normal character.

AVTAR SINGH RIKHY.  
*Secretary.*

